

DOCKET SECTION

PRESIDING OFFICER'S
RULING NO. R97-1/34

OCT 1 12 28 PM '97

UNITED STATES OF AMERICA
POSTAL RATE COMMISSION
WASHINGTON, D.C. 20268

POSTAL RATE COMMISSION
OFFICE OF THE SECRETARY

Postal Rate and Fee Changes

Docket No. R97-1

PRESIDING OFFICER'S RULING
GRANTING MOTIONS FOR LATE ACCEPTANCE
OF OBJECTIONS

(October 1, 1997)

The Postal Service has filed three motions for late acceptance of objections to interrogatories.¹

In the case of the Carlson interrogatories, Postal Service counsel indicates that despite the fact that the Carlson discovery request was dated September 15, 1997, it was not received by Postal Service counsel until after 5:00 pm on September 25, 1997, the due date for filing objections. Counsel also indicated that to mitigate any prejudice to Mr. Carlson, a copy of the objection was transmitted in electronic form.

The due date of September 25, 1997, for objections to the Popkin interrogatory in question was established in P.O. Ruling R97-1/21. Postal Service counsel states that due to the volume of interrogatories received from Popkin on September 10, 1997, it was unable to determine that these subparts of interrogatory 54 were objectionable in time to meet the filing deadline. Postal Service counsel indicates that a copy of this objection was forwarded via Express Mail to Mr. Popkin on September 29, 1997.

¹ Objections of the United States Postal Service to Douglas Carlson Interrogatories DFC/USPS-3 and 4 and Motion for Late Acceptance, filed September 26, 1997; Objection of United States Postal Service to Interrogatory of David B. Popkin Directed to the United States Postal Service (DBP/USPS-54(BB (in part), KK-TT)), and Motion for Late Acceptance, filed September 29, 1997; and Objection of United States Postal Service to NDMS Interrogatory NDMS/USPS-T33-25(c) to Witness Sharkey and Motion for Late Acceptance, filed September 29, 1997.


The one day delay in filing an objection to interrogatory 25(c) to witness Sharkey was occasioned by the volume of discovery directed to Postal Service witnesses and the fact that draft answers to this interrogatory were not completed until late on September 26, 1997. Postal Service counsel faxed its objections to NDMS counsel to mitigate any prejudice caused by this delay. I will grant these motions.

RULING

1. The Objections of the United States Postal Service to Douglas Carlson Interrogatories DFC/USPS-3 and 4 and Motion for Late Acceptance, filed September 26, 1997, is granted.

2. The Objection of United States Postal Service to Interrogatory of David B. Popkin Directed to the United States Postal Service (DBP/USPS-54(BB (in part), KK-TT)), and Motion for Late Acceptance, filed September 29, 1997, is granted.

3. Objection of United States Postal Service to NDMS Interrogatory NDMS/USPS-T33-25(c) to Witness Sharkey and Motion for Late Acceptance, filed September 29, 1997, is granted.


Edward J. Gleiman
Presiding Officer